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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GARY DIAZ,

Plaintiff,

v.

NATIONAL DEFAULT SERVICING
CORP.,

Defendant.

2:11-CV-1208 JCM (CWH)

ORDER

Presently before the court is defendant National Default Servicing Corp.'s motion for summary judgment. (Doc. # 27). Plaintiff Gary Diaz filed a response to the motion stating that he does not oppose summary judgment in favor of defendant. (Doc. #29).

This case involves claims of constitutional violations, violations of the Real Estate Settlement Procedures Act, violations of the Truth in Lending Act, violations of banking regulations, and violations of the Uniform Commercial Code, by pro se plaintiff Gary Diaz against defendant National Default Servicing Corp.

In its motion, defendant argues that plaintiff's claims in this action are barred by the doctrine of res judicata, as they were already resolved on their merits in *Diaz v. Wells Fargo Bank*, 2:12-CV-00850-MMD, 2013 WL 275888 (D. Nev. Jan. 24, 2013).

In his response, plaintiff states, "[I]n reexamining his complaint, as well as [defendant's] answer and motion for summary judgment, [plaintiff] is aware that his complaint lacks any viable

1 causes of action.” (Doc. # 29 p. 1). He admits that “[this] case was a hodge-podge of various claims
2 best directed at a servicer - not a substitute trustee.” *Id.* Finally, he states “In the interest of judicial
3 economy and with sincere regret and apologies, the plaintiff requests that [defendant’s] motion for
4 summary judgment be granted in its entirety.” *Id.*

5 Accordingly,

6 IT IS THEREFORE ORDERED that defendant National Default Servicing Corp.’s motion
7 for summary judgment (doc. # 27) is GRANTED. The clerk shall enter judgment accordingly and
8 close the case.

9 DATED February 6, 2014.

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12 UNITED STATES DISTRICT JUDGE